

BOBBIE STEIN  
Attorney at Law  
State Bar No.: 113239  
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San Francisco, CA 94110  
Telephone 415/255-0301  
  
Attorney for Petitioner  
JUAN MANUEL ANDAZOLA

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUAN MANUEL ANDAZOLA

Petitioner,

vs.

JEANNE S. WOODFORD, Director  
of the California Department of  
Corrections, and Richard Kirdland,  
Warden, Pelican Bay State Prison.

Respondent.

Case No.

DECLARATION IN SUPPORT  
OF MOTION FOR APPOINTMENT  
OF COUNSEL.

TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF CALIFORNIA:

I, BOBBIE STEIN, declare:

1. I am a member of the Bar of the State of California and of the Northern District of California and of the Ninth Circuit Court of Appeal. I have handled criminal matters my entire legal career and have been doing criminal appeals since 1984. I am a panel attorney on the First District Appellate Project. I handle cases at the trial and appellate levels. My practice is mostly in the state courts but I have handled criminal matters in federal court as well handling a federal civil rights case as part of a team of attorneys.

2. I was a faculty member of New College School of Law from 1989 to 1997, teaching criminal law related classes and ran a criminal defense clinic there for

1 seven years. I now teach a class in criminal pre-trial litigation at the University of  
2 California's Boalt Hall.

3 3. I am not currently on the federal panel but have been appointed in the past  
4 to represent an indigent appellant. I have also litigated in the 9<sup>th</sup> circuit on behalf of  
5 two criminal defendants after having represented them at trial. The case was  
6 dismissed by the U.S. Attorney after the appeal and resulted in a published decision.<sup>1</sup>

7 4. I am convinced that the petitioner did not receive a fair trial under the  
8 United States Constitution, due to the withholding of information about the arresting  
9 officer's previous history of falsifying police reports. Furthermore, I believe that the  
10 evidence was insufficient to show that petitioner was the shooter in the case,  
11 particularly in light of the fact that the victim originally named someone else as his  
12 assailant. I also believe that the evidence was insufficient to prove premeditation and  
13 deliberation. I believe that the court also erred in not giving the defense pinpoint  
14 instruction. I believe that petitioner was deprived of his constitutional rights to due  
15 process and a fair trial and support his seeking federal review.

16 5. Petitioner has no legal training. I do not believe that he is competent to  
17 represent himself in this federal litigation.

18 6. Having represented Mr. ANDAZOLA throughout the state proceedings, I  
19 am familiar with the record and the issues in this matter.

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28 <sup>1</sup>*United States v. Talbot*, 51 F.3d 183 (9<sup>th</sup> cir. 1995).

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2 7. For the foregoing reasons, I have prepared the petition and memorandum of law  
3 on Mr. ANDAZOLA's behalf, appearing specially. I am requesting that I be  
4 appointed to represent Mr. ANDAZOLA in this matter.

5 I declare under penalty of perjury that the foregoing is true and correct to the  
6 best of my knowledge.

7 Executed this day of November, 2007 at Oakland, California.  
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11 BOBBIE STEIN  
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**PROOF OF SERVICE BY MAIL**

I, Bobbie Stein, am over 18 years of age and not a party to the above action. My business address is 503 Dolores Street, Suite 201, San Francisco, California 94110.

On December , 2007, I served copies of the attached motion for appointment of counsel and declaration in support thereof on the following people:

Attorney General  
455 Golden Gate Avenue  
rm 11000  
San Francisco, CA 94103

Juan Andazola  
V-15894-ASU-B-2  
Pelican Bay State Prison  
Crescent City, CA 95531

I declare under penalty of perjury that the foregoing is true and correct.  
Executed this day of December , 2007, in Oakland, California.

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Bobbie Stein